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09/156,334 09/18/98 NOTANI R 020431.0463

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EXAMINER

DIXON, T

ART UNIT

PAPER NUMBER

2161

DATE MAILED:

02/14/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/156,334

Applicant(s)

NOTANI ET AL.

Examiner

Thomas A. Dixon

Art Unit

2761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,6.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

1. IDSs 5 and 6 have been considered.

Specification

2. The disclosure is objected to because of the following informalities:
page 1, lines 5-17 refers to copending cases, but has blank lines in place of
Serial Numbers.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-9, 15, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Flores et al (5,630,069).

As per Claim 1.

Flores et al ('069) discloses:

storing a set of predetermined functions for a work flow to be performed at a plurality of distributed nodes, see figure 2 (customers and performers associated with work flows S1, S2, P1, P2, C1 and C2), and column 3, lines 17-55;
automatically interacting with the workflow at each of the distributed nodes to perform the predefined functions, see column 3, lines 56-67.

As per Claim 2.

Flores et al ('069) discloses all the limitations of Claim 1.

Flores et al ('069) further discloses the set of predefined functions are operable to generate a work flow between a plurality of enterprises see figure 2 (customers and performers associated with work flows S1, S2, P1, P2, C1 and C2), and column 3, lines 17-55.

As per Claim 3.

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Flores et al ('069) discloses all the limitations of Claim 1.

Flores et al ('069) further discloses the predefined functions are operable to transmit data associated with the operation of the workflow at each of the distributed nodes in to a monitoring system, see Column 5, lines 9-13, also column 8, lines 1-5.

As per Claim 4.

Flores et al ('069) discloses all the limitations of Claim 1.

Flores et al ('069) further discloses the predefined functions are operable to deploy the work flow to the distributed nodes, see Column 6, lines 9-33.

As per Claim 5.

Flores et al ('069) discloses:

receiving a preliminary collaboration from a first enterprise, see figure 1d and Column 3, lines 24-42;

automatically transmitting the preliminary collaboration to a predefined second enterprise for review, see figure 1d and Column 3, lines 24-42;

receiving a response to the preliminary collaboration from the second enterprise, see figure 1d and Column 3, lines 24-42;

automatically transmitting the response to the first enterprise for review, see figure 1d and Column 3, lines 24-42.

As per Claim 6.

Flores et al ('069) discloses all the limitations of claim 5.

Flores et al ('069) further discloses the response is comment to the preliminary collaboration, see Column 3, lines 33-36, and Column 10, lines 15-18.

As per Claim 7.

Flores et al ('069) discloses all the limitations of claim 5.

Flores et al ('069) further discloses the response is a modification of the preliminary collaboration, see Column 3, lines 33-36, and Column 10, lines 15-18.

As per Claim 8.

Flores et al ('069) discloses all the limitations of claim 7.

Flores et al ('069) further discloses the modification is addition to the preliminary collaboration, see Column 3, lines 33-36, and Column 10, lines 15-18.

As per Claim 9.

Flores et al ('069) discloses all the limitations of claim 7.

Flores et al ('069) further discloses the modification is an amendment of the preliminary collaboration, see Column 3, lines 33-36, and Column 10, lines 15-18.

As per Claim 15.

Flores et al ('069) discloses:

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receiving a collaboration, see figures 1a-f (customer, performer and arrows of communication around the conditions of satisfaction), and Column 3, lines 24-42, and Column 7, line 10 – Column 8, line 57;

automatically transmitting a predetermined first part of the collaboration to a predetermined second enterprise, see figures 1a-f (customer and performer), and column 3, lines 27-29, and

automatically transmitting a predetermined second part of the collaboration to a predetermined third enterprise, see figures 1d (observer) and Column 8, lines 1-5.

As per Claim 20.

Flores et al ('069) discloses:

automatically querying a first node if a first enterprise for a first predefined set of data associated with the operation of a collaboration at a first node, see figures 1a-f (customer, performer and arrows of communication around the conditions of satisfaction);

transmitting the first set of data to a monitoring system, see figures 1d (observer) and Column 8, lines 1-5;

automatically querying a second node of a second node for a predefined second set of data associated with an operation of the collaboration at the second node, see figures 1a-f (customer, performer and arrows of communication around the conditions of satisfaction); and

transmitting the second set of data to the monitoring system, see figures 1d (observer) and Column 8, lines 1-5.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-14, 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flores et al (5,630,069) in view of Fox et al.

As per Claim 10.

Flores et al ('069) discloses all the limitations of claim 5.

Flores et al ('069) further discloses:

receiving an approval from the first and second enterprises for a collaboration based on the preliminary collaboration and the response, see Column 3, lines 30-36; automatically transmitting the collaboration to a predetermined third enterprise for review, see Column 6, lines 33-37;

Flores et al ('069) discloses customers and suppliers who communicate bi-directionally, and an observer, who has the ability to see the collaborations, but does not act.

Fox et al teaches a conductor that orchestrates the behavior or other supply chain agents, an observer who also acts and communicates bi-directionally, see page 3, lines 1-23 for the benefit of overall quality of supply chain management.

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the invention of Flores et al ('069) to include an observer with the ability to act and communicate bi-directionally, as the other agents do, for the benefit of overall quality of supply chain management.

As per Claim 11.

Flores et al ('069) in view of Fox et al discloses all the limitations of claim 10.

Flores et al ('069) further discloses the response is comment to the preliminary collaboration, see Column 3, lines 33-36, and Column 10, lines 15-18.

As per Claim 12.

Flores et al ('069) in view of Fox et al discloses all the limitations of claim 10.

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Flores et al ('069) further discloses the response is a modification of the preliminary collaboration, see Column 3, lines 33-36, and Column 10, lines 15-18.

As per Claim 13.

Flores et al ('069) in view of Fox et al discloses all the limitations of claim 12.

Flores et al ('069) further discloses the modification is addition to the preliminary collaboration, see Column 3, lines 33-36, and Column 10, lines 15-18.

As per Claim 14.

Flores et al ('069) in view of Fox et al discloses all the limitations of claim 12.

Flores et al ('069) further discloses the modification is amendment to the preliminary collaboration, see Column 3, lines 33-36, and Column 10, lines 15-18.

As per Claim 16.

Flores et al ('069) discloses all the limitations of claim 15.

Flores et al ('069) further discloses the requesting an approval from the second enterprise for operation of the first part of the collaboration, modification is amendment to the preliminary collaboration, see Column 3, lines 33-36, and Column 10, lines 15-18.

Flores et al ('069) does not disclose requesting an approval from the third enterprise for operation of the second part of the collaboration at a node of the third enterprise.

Fox et al teaches a conductor that orchestrates the behavior or other supply chain agents, an observer who also acts and communicates bi-directionally, see page 3, lines 1-23 for the benefit of overall quality of supply chain management.

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the invention of Flores et al ('069) to include an observer with the ability to act and communicate bi-directionally, as the other agents do, for the benefit of overall quality of supply chain management.

As per Claim 17.

Flores et al ('069) discloses all the limitations of claim 16.

Flores et al ('069) further discloses the in response to the approval from the second enterprise, notifying the third enterprise of the approval, see Column 8, lines 1-5.

As per Claim 18.

Flores et al ('069) discloses all the limitations of claim 16.

Flores et al ('069) further discloses communications between the customers, performers and observer enterprises, see Column 5, lines 9-13.

As per Claim 19.

Flores et al ('069) discloses all the limitations of claim 16.

Flores et al ('069) further discloses communications between the customers, performers and observer enterprises, see Column 5, lines 9-13.

Additional Prior Art

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Notani et al (5,931,900).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on Monday - Friday 7 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-9051 for regular communications and (703) 305-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.

TAD
February 8, 2001


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